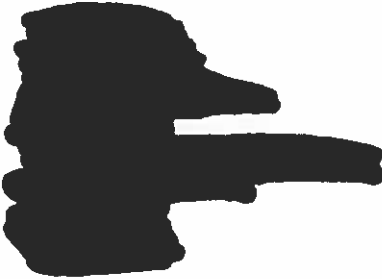


An Roinn Oideachais agus Scileanna
Bóthar Phort Laoise
An Tulach Mhór
Co. Uíbh Fhailí
R35 Y2N5



Department of Education and Skills
Portlaoise Road
Tullamore
Co. Offaly
R35 Y2N5

20th September 2017



Re: FOI Request refusing request 2017/365

Dear 

I refer to your request dated 16th August, 2017 made under the Freedom of Information Act, 2014, for records held by the Department of Education and Skills. Your request sought:

I wish to request, under the Freedom of Information Act, access to any fire safety audits carried out in 2016 and 2017 relating to the following schools:

*Powerstown Education Together, Tyrrellstown
Belmayne Educate Together
Belmayne St Francis of Assisi
Greystones Gaelscoil
Mullingar Educate Together*

Please also include a copy of any reports / memos arising out of the findings

I, Deirdre Flynn, Executive Officer, have now made a final decision to refuse your request on 20th September, 2017.

The purpose of this letter is to explain that decision. This explanation has the following parts:

1. A schedule of all the records covered by your request
2. An explanation of the relevant findings concerning the records to which access is denied, and
3. A statement of how you can appeal this decision should you wish to do so.

This letter addresses each of these three parts in turn.

1. Schedule of records

A schedule is enclosed with this letter, it shows the documents that the Department of Education and Skills consider relevant to your request. It describes each document and refers to the sections of the FOI Act which apply to prevent release. The schedule also refers you to the sections of the detailed explanation given under heading 2 below, which are relevant to the documents in question. It also gives you a summary and overview of the decision as a whole.

2. Findings, particulars and reasons for decisions to deny access

The fire safety audit reports for the schools mentioned are now in the public domain and fall under the provisions of section 15(1)(d) of the FOI Act 2014.

The sections of the Act which can apply to deny access to documents are known its exemption provision. I consider that the requested reports and memos arising out of the findings of the fire safety audit reports are exempt from release under the provisions of section 29(1)(a) and section (30)(1)(a) of the FOI Act 2014, as they contain matters relating to the deliberative processes of the Department and disclosure of the records at this time may prejudice the ongoing effectiveness of tests and inquiries in relation to the reports.

Refusal on administrative grounds to grant FOI requests

15. (1) A head to whom an FOI request is made may refuse to grant the request where—

(d) the information is already in the public domain,

Deliberations of FOI bodies

29. (1) A head may refuse to grant an FOI request—

(a) if the record concerned contains matter relating to the deliberative processes of an FOI body (including opinions, advice, recommendations, and the results of consultations, considered by the body, the head of the body, or a member of the body or of the staff of the body for the purpose of those processes),

Functions and negotiations of FOI bodies

30. (1) A head may refuse to grant an FOI request if access to the record concerned could, in the opinion of the head, reasonably be expected to—

(a) prejudice the effectiveness of tests, examinations, investigations, inquiries or audits conducted by or on behalf of an FOI body or the procedures or methods employed for the conduct thereof,

Parliamentary, court and certain other matters

31. (1) A head shall refuse to grant an FOI request if the record concerned—

(a) would be exempt from production in proceedings in a court on the ground of legal professional privilege,

I consider that such release could cause an unnecessary intrusion into the ongoing deliberative and decision making process and reveal details regarding the deliberative process of which the Department has yet to finalise its deliberations. I consider that such release could prejudice the Department's ability to properly conclude those deliberations and would have the effect of interfering with those deliberations and disclose information that would be detrimental to the Departments decision making process in relation to the aforementioned issue and may prejudice any ongoing effectiveness of investigations and inquiries.

3. Right of appeal

You may appeal this decision. In the event that you need to make such an appeal, you can do so by writing to the Freedom of Information Unit, Department of Education and Skills, Marlborough Street, Dublin 1. Your correspondence should include a fee of €30 (€10 for medical card holders) for processing the appeal. Payment should be made by way of personal cheque or postal money order made payable to the accountant in the Department of Education and Skills. Please note the Department of Education and Skills no longer accept cheque payments from business users. For further information regarding payment methods for business users, please email foi@education.gov.ie


You should make your appeal within 4 weeks from the date of this notification, where a day is defined as a working day excluding, the weekend and public holidays. However, the making of a late appeal may be permitted in appropriate circumstances. The appeal will involve a complete reconsideration of the matter by a more senior member of the staff of this body.

4. Publication

All non-personal FOI requests will be recorded on an FOI disclosure log which will be published on the Department of Education and Skills website in due course.

Should you wish to discuss the above, please contact me on 057 9324368.

Yours sincerely,



Deirdre Flynn
Executive Officer
Encl. Schedule of Records